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P.O. Box 1450  
Alexandria, VA 22313-1450

On October 7, 2005

TOWNSEND and TOWNSEND and CREW LLP

By: *Lois M. Simón*  
Lois M. Simón

PATENT

Docket No.: 02558B-063100US  
Client Ref. No.: BRP00064

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Michael I. Watkins et al.

Application No.: 09/548,883

Filed: April 13, 2000

For: MULTI-ANALYTE DIAGNOSTIC  
TEST FOR THYROID DISORDERS

Examiner: Gabel, G.

Art Unit: 1641

RESPONSE - REQUEST FOR  
CONSIDERATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This communication is filed in response to the Office Action dated August 10, 2005.

In that Action, the Examiner responded to the filing of a claim of priority of U.S. application 09/302,920 by citing 37 C.F.R. 1.78, which currently requires that if priority was claimed more than four months after filing an application, a petition for acceptance of an unintentionally delayed claim for priority must be filed.

However, the current Rule 78 is not applicable to this present Application. This version of the Rule was enacted effective November 29, 2000 and was expressly made applicable to patent applications filed thereafter [65 Fed. Reg. 57024; September 20,

2000]. However, the present Application was filed April 13, 2000, so that the previous version of Rule 78, which did not place a time limit on claiming priority, applies to it.

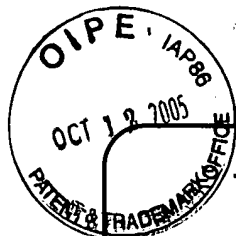
Applicants therefore request that the examiner withdraw the requirement of filing a petition and allow Applicants' claim to priority, in which case Applicants submit that all rejections have been overcome and a Notice of Allowance should be issued.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned.

Respectfully submitted,

Joel G. Ackerman  
Reg. No. 24,307

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PTO/SB/21 (09-04)

1641

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

3

Application Number

09/548,883

Filing Date

April 13, 2000

First Named Inventor

Watkins, Michael I.

Art Unit

1641

Examiner Name

Gabel, G.

Attorney Docket Number

02558B-063100US

**ENCLOSURES** (Check all that apply)

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Fee Transmittal Form                             | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> After Allowance Communication to TC                            |
| <input type="checkbox"/> Fee Attached                                     | <input type="checkbox"/> Licensing-related Papers   | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences     |
| <input checked="" type="checkbox"/> Amendment/Reply                       | <input type="checkbox"/> Petition   | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final                                      | <input type="checkbox"/> Petition to Convert to a Provisional Application                               | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declaration(s)                        | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address                 | <input type="checkbox"/> Status Letter  |
| <input type="checkbox"/> Extension of Time Request                        | <input type="checkbox"/> Terminal Disclaimer  | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):         |
| <input type="checkbox"/> Express Abandonment Request                      | <input type="checkbox"/> Request for Refund   | Return Postcard   |
| <input type="checkbox"/> Information Disclosure Statement                 | <input type="checkbox"/> CD, Number of CD(s) _____  |   |
|   | <input type="checkbox"/> Landscape Table on CD  |   |
| <input type="checkbox"/> Certified Copy of Priority Document(s)           | <b>Remarks</b> The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430. |   |
| <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application   |   |   |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 |   |   |

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

Townsend and Townsend and Crew LLP

Signature

Printed name

Joe G. Ackerman

Date

October 7, 2005

Reg. No.

24,307

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Lois M. Simón

Date

October 7, 2005